

**D. ICE or its delegated agent in the DCSO violated the regulation that gave Respondent right to counsel at examination. 8 CFR § 292.5(b).**

(3) Egregious violations of the Fourth Amendment to the U.S. Constitution were committed by DHS/ICE on October 20, 2010. Respondent contends that any evidence obtained as a result of egregious Fourth Amendment violations cannot be used in a reinstatement proceeding.

It is true that in INS v. Lopez-Mendoza, 468 U.S. 1032 (1984), the U.S. Supreme Court held that the exclusionary rule is generally not applicable to immigration proceedings. Specifically, the Court held: "At issue here is the exclusion of credible evidence gathered in connection with peaceful arrests by INS officers. We hold that evidence derived from such arrests need not be suppressed in an INS civil deportation hearing." 468 U.S. at 1051. The Court did allow for the possibility for suppression for **"egregious" Fourth Amendment violations** that rise to the level of due process violations under the Fifth Amendment. Further, the Court stated that "conclusions concerning the exclusionary rule's value might change, **if there developed good reason to believe that Fourth Amendment violations by [enforcement] officers were widespread.**" 468 U.S. at 1050; see also Almeida-Amaral v. Gonzales, 461 F.3d 231 at 234 (2<sup>nd</sup> Cir. 2006). While Lopez-Mendoza makes it clear that suppression standards under immigration and criminal law are distinct, Lopez-Mendoza nowhere states or implies that suppression is not permissible in immigration matters.

A detention or seizure without a reasonable suspicion can merit suppression of resulting evidence in removal proceedings. Almeida-Amaral v. Gonzalez, 461 F.3d 231 (2<sup>nd</sup> Cir., 2006). The same thing should be true of reinstatement proceedings.

Further, the BIA has held that any evidence resulting from an egregious arrest would necessarily be excluded by the application of the exclusionary rule. See *Matter of Cervantes Torres*, 21 I & N Dec. 351, 353 (BIA 1996) (*citing INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984) (exclusionary rule applies in

deportation proceedings involving egregious violations which transgress notions of fundamental fairness); for a discussion of the Board's historical adherence to the exclusionary rule in immigration proceedings, see *Matter of Sandoval*, 17 I&N 170, (Applemen, concurring in part and dissenting in part).

The exclusionary rule applies in this case to require the suppression of all evidence and statements collected from Respondent in this case. In *INS v. Lopez-Mendoza*, 468 US 1032 (1984), the Supreme Court set forth the test for determining whether the exclusionary rule under the US Constitution should be applied in a particular proceeding — the court must weigh “the likely social benefits of excluding unlawfully seized evidence against the likely costs.” At p. 1041.

Courts are required to engage in a multi-factor analysis to decide this issue. A close analysis of the relevant factors demonstrates that the exclusionary rule must be applied in this case. The Supreme Court listed several factors to be considered.

The first factor is the deterrence value of applying the exclusionary rule in a particular case. The prime purpose of the exclusionary one, “if not the sole one, is to deter future unlawful police misconduct”. *U.S. v. Janis*, 428 U.S. 433 at 446 (1976). Deterrence of the pattern of unlawful police conduct is certainly warranted in the case at hand.

The second factor is whether applying the exclusionary rule would have a significant cumulative deterrent effect. Exhibit G shows that the violations complained of herein are frequently repeated and need a significant deterrent effect.

The third factor is whether ICE has its own comprehensive scheme for deterring 4<sup>th</sup> Amendment violations. This is obviously not the case due to the demonstrated widespread repeated occurrence of such violations.

The fourth factor is whether alternative remedies are available to address the institutional

practices of ICE. It is true that Respondent can file a suit in federal court, but if the evidence objected to herein is admitted, Respondent may not be in the United States long enough to pursue an extensive lawsuit. No alternative remedies — such as punishment for offending officers — are available here.

There is a line of Supreme Court cases that holds that a court cannot suppress the identity of the defendant for the purpose of eliminating a court's jurisdiction over the person arrested even where the arrest is illegal. *Frisbie v. Collins*, 342 U.S. 519 at 522 (1952); *Kerr v. People of State of Illinois*, 119 U.S. 436 at 443 (1886); *INS v. Lopez-Mendoza*, 468 U.S. 1032 at 1039 (1984). The circuit courts of appeals have, however, split in their more recent opinions. The Eighth Circuit recognizes a distinction between suppressing evidence of identity, which is suppressible, and a court's authority to retain personal jurisdiction over an individual that the government arrested unlawfully. *U.S. v. Guevara-Martinez*, 262 F.3d 751 at 754 (8th Cir. 2001). The Tenth Circuit followed the Eighth Circuit's analysis in holding that a district court could suppress unlawfully obtained evidence of a person's identity, including a person's name, fingerprints, and A-file. *U.S. v. Olivares-Rangel*, 458 F.3d 1104 at 1112 (10th Cir. 2006). In this case, the arresting agents had randomly stopped a vehicle leaving a trailer park based upon a generalized unreliable tip regarding "illegal aliens" possibly involved in criminal activities who were allegedly living in that trailer park. The defendant was a passenger in the car, and, after the unlawful stop, an agent recognized him as someone whom he had previously arrested and helped to deport. The Fourth Circuit followed the Eighth and Tenth Circuits' view on this issue. *U.S. v. Oscar-Torres*, 507 F.3d 224 (4th Cir. 2007). The Ninth Circuit distinguishes between identity and fingerprints, but there appear to be tensions in its case law on this issue. Compare *U.S. v. Guzman-Bruno*, 27 F.3d 420 at 422 (9th Cir. 1994), as amended, (Sept. 23, 1994) (holding that a defendant cannot suppress evidence of identity in illegal reentry prosecution), *U.S. v. Del Toro Gudino*, 376 F.3d 997 at 1001 (9th Cir. 2004) (same even with egregious Fourth Amendment violation), and *U.S. v. Parga-Rosas*, 238 F.3d 1209 (9th

Cir. 2001), with *U.S. v. Garcia-Beltran*, 389 F.3d 864 at 868 (9th Cir. 2004) (distinguishing cases that involved identity and recognizing difference between fingerprints and identity). The Fifth Circuit holds that a district court cannot suppress identity, an A-file, or fingerprints as the result of an unlawful arrest. *U.S. v. Herrera-Ochoa*, 245 F.3d 495 (5th Cir. 2001); *U.S. v. Roque-Villanueva*, 175 F.3d 345 at 346 (5th Cir. 1999); *U.S. v. Pineda-Chinchilla*, 712 F.2d 942 at 944 (5th Cir. 1983). The First Circuit shares this view. *Navarro-Chelan v. Ashcroft*, 359 F.3d 19 (1st Cir. 2004).

(4) The integrity of DHS is called into question by the conduct of DHS/ICE agents during the Clairmont Raid, and this implicates *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

(5) The reinstatement of an alleged prior order of removal in this case constitutes a violation of due process in that Petitioner was (a) prevented on a repeated basis from having access to and consulting with his attorney or related legal representatives prior to the reinstatement; (b) prevented from executing necessary documents to facilitate full representation by his attorney or related legal representatives; (c) not afforded — either himself or through his attorney — the opportunity to review the immigration court file upon which the reinstatement order is based; (d) not afforded — either himself or through his attorney — to respond to the allegations against him before the DHS reinstated the prior order to removal; (e) prevented from arranging for the preparation and placement of documents and entering other information into the administrative record; and (f) not provided adequate and timely notice of DHS's intended action in this case.

Respectfully submitted,

(b)(6)

Nashville, TN 37212

(615) (b)(6) (O)

(615) (b)(6) (F)

Email: (b)(6)

**BEFORE THE SECRETARY OF HOMELAND SECURITY**  
**NEW ORLEANS DISTRICT OFFICE**

**In Re:**

(b)(6)

**Respondent**

**No. A089-110-675**

**TABLE OF EXHIBITS**

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| B              | Declaration of (b)(6)                            | 21          |
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| I              | Notice to Appear In Case No. (b)(6)              | 61          |
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this Statement Contesting Intent to File Reinstatement Order have been served upon the following persons by placing a true and correct copy of said pleading in Federal Express for overnight delivery, addressed as follows:

Janet Napolitano, Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

(b)(6),(b)(7)(C) District Director  
DHS/ICE 1250 Poydras Suite 325  
New Orleans, LA 70113

(b)(6),(b)(7)(C) Field Office Director  
DHS/ICE 1250 Poydras Suite 325  
New Orleans, LA 70113

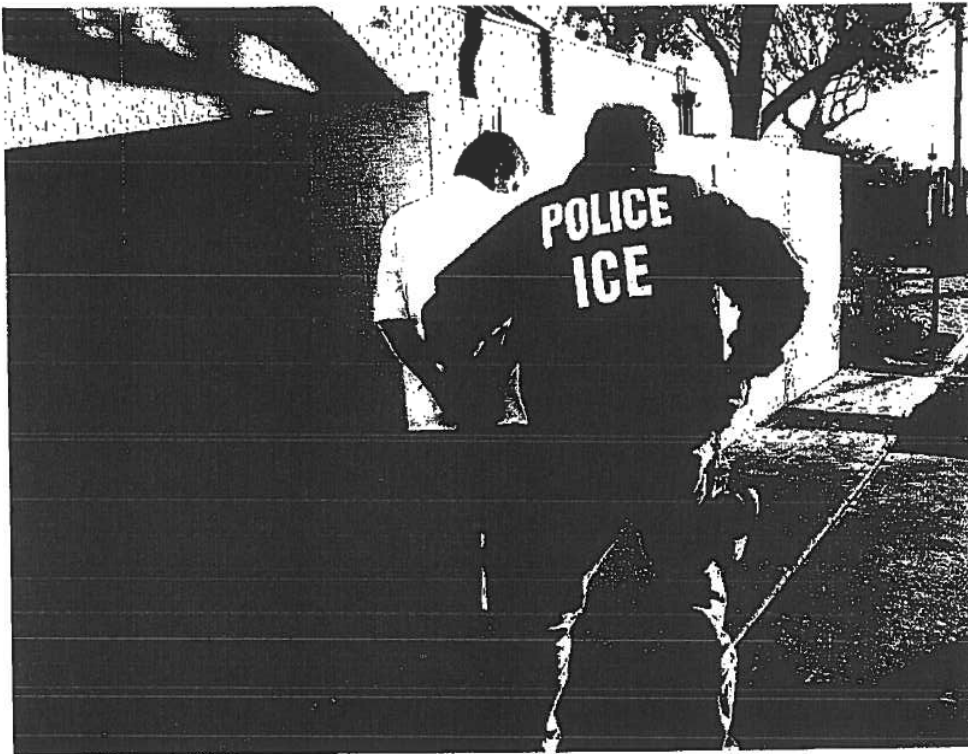
ICE Officer in Charge  
Office of Enforcement and Removal Operations  
1010 East Whatley Road  
Oakdale, LA 71463

DATED: 11/17/2010

BY: \_\_\_\_\_

(b)(6)

Demonstrative Examples of "POLICE ICE" Clothing

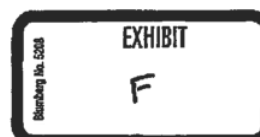


Source: <http://www.thecrimereport.org/wp-content/uploads/2009/10/us-immigration-and-customs-enforcement-arrest1.jpg>



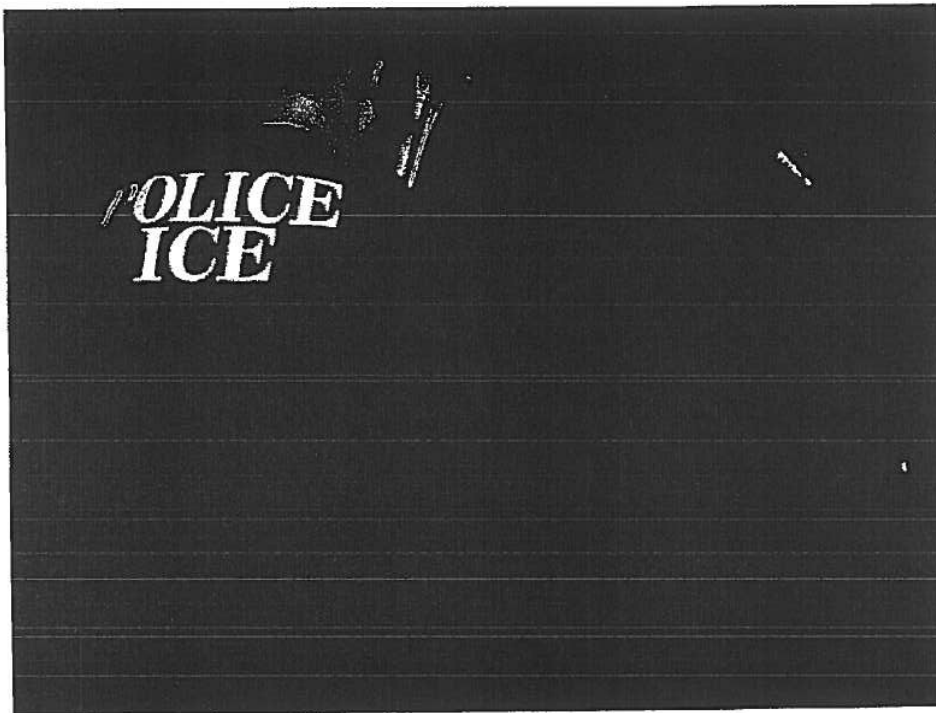
Source: [http://1.bp.blogspot.com/\\_rN-dx9mlxHk/TLNDNPX-wAI/AAAAAAAAAALY/gOODPab-bCY/s1600/police-ICE-2.jpg](http://1.bp.blogspot.com/_rN-dx9mlxHk/TLNDNPX-wAI/AAAAAAAAAALY/gOODPab-bCY/s1600/police-ICE-2.jpg)

1 42

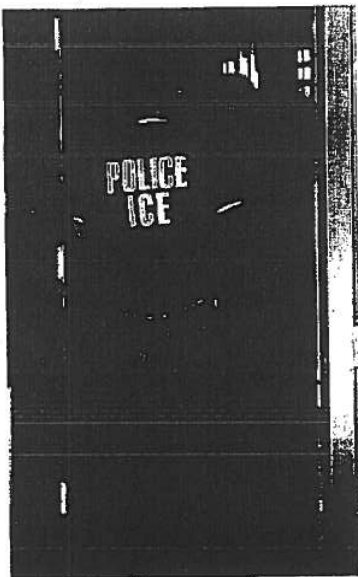




Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://blogs.kansascity.com/photos/uncategorized/georgia\\_arrest\\_ice.jpg](http://blogs.kansascity.com/photos/uncategorized/georgia_arrest_ice.jpg)



Source: <http://www.vosizneias.com/wp-content/uploads/2009/07/ice-police-immigration-raids.jpg>

## Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://vivirlatino.com/i/2008/01/800px-US Immigration and Customs Enforcement SWAT.jpg](http://vivirlatino.com/i/2008/01/800px-US%20Immigration%20and%20Customs%20Enforcement%20SWAT.jpg)

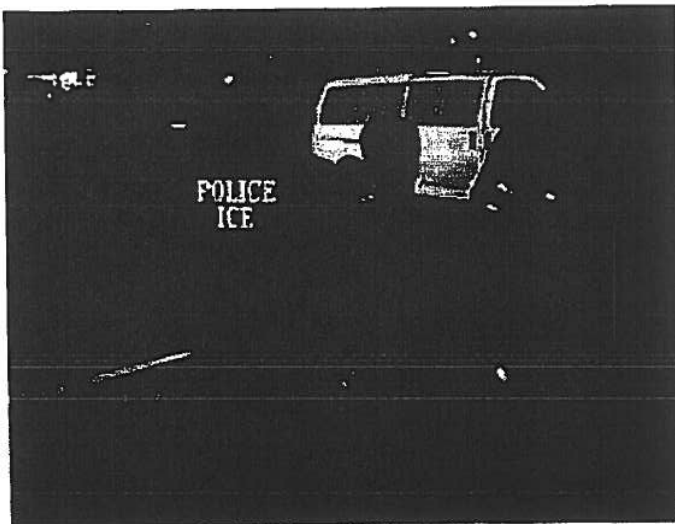


Source: <http://www.piersystem.com/external/content/document/586/25309/1/ICEFTAA2.jpg>

Demonstrative Examples of "POLICE ICE" Clothing

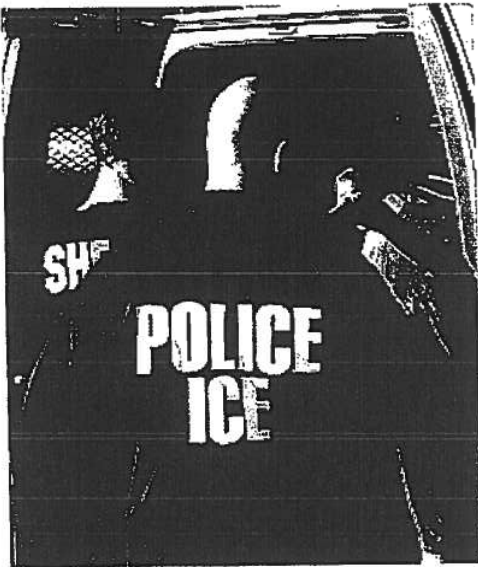


Source: Michelle Waslin, "Ice's Enforcement Priorities and the Factors that Undermine Them."  
Immigration Policy Center, November 2010, available at  
[http://www.immigrationpolicy.org/sites/default/files/docs/ICE\\_Enforcement\\_Priorities\\_110910.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/ICE_Enforcement_Priorities_110910.pdf)

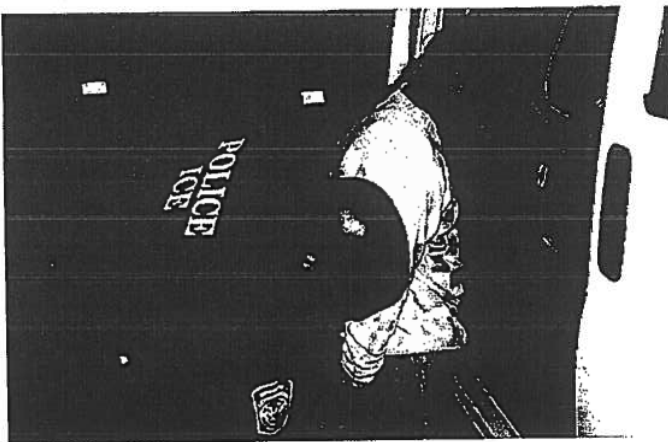


Source: [http://images.news14.com/media/2009/2/18/images/police\\_ice1eb2a711-9b2c-4ca0-a7dd-6b92a9a42df6.jpg](http://images.news14.com/media/2009/2/18/images/police_ice1eb2a711-9b2c-4ca0-a7dd-6b92a9a42df6.jpg)

Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://3.bp.blogspot.com/\\_Xn\\_O-mM2sFk/R8XGk0xcuKI/AAAAAAAAABOE/-4cHc48vX30/s400/police\\_ice260.jpg](http://3.bp.blogspot.com/_Xn_O-mM2sFk/R8XGk0xcuKI/AAAAAAAAABOE/-4cHc48vX30/s400/police_ice260.jpg)



Source: [http://2.bp.blogspot.com/\\_Xn\\_O-mM2sFk/R8XF4kxcuJI/AAAAAAAAABN8/5qHEKd4acUk/s400/police\\_ice\\_550.jpg](http://2.bp.blogspot.com/_Xn_O-mM2sFk/R8XF4kxcuJI/AAAAAAAAABN8/5qHEKd4acUk/s400/police_ice_550.jpg)



2303 S MACARTHUR DR  
ALEXANDRIA, LA 71301

Location: ESFV  
Device ID: ESFV-POS1  
Employee: 173248  
Transaction: 75052524822

PRIORITY OVERNIGHT  
888900033325 0.30 (S) 26.91

Scheduled Delivery Date: 11/18/2010

Shipment subtotal: 26.91

Total Due: 26.91

Check: 26.91  
1931

X = Weight entered manually.  
S = Weight read from scale  
I = taxable item

Subject to additional charges. See FedEx Service Guide  
at [fedex.com](http://fedex.com) for details. All merchandise sales final.

Visit us at: [fedex.com](http://fedex.com)  
Or call 1.800.GoFedEx  
1.800.185.3339

November 16, 2010 9:07:27 PM



FedEx Office is your destination  
for printing and shipping.

2303 S MACARTHUR DR  
Alexandria, LA 71301  
Tel: (318) 413-9977

11/18/2010  
Team Member: Jill C.

8:08:05 PM CST

SALE

Auto-Fed: Scan to PDF 12 # 0.88  
2882 Regular Price 0.88

Regular Total 10.88  
Discounts 0.00

Total 10.88

Sub-Total 10.88  
Tax 0.97  
Deposit 0.00

Total 11.85

Check (M) 11.85

Total Tender 11.85  
Change Due 0.00

Total Discounts 0.00



\* 1 5 1 2 0 0 1 8 5 7 \*

87



**Homeland  
Security**

January 19, 2011

*Via Electronic Mail*

(b)(6)

Nashville, Tennessee 37217

(b)(6)

Re: Complaint No. 11-03-ICE-0046 on behalf of (b)(6)

(b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on December 14, 2010. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, e-mail, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, by phone at 866-644-8360, 866-644-8361 (TTY), or by mail at the following address:



Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

(b)(6)

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**From:** CRCLCompliance  
**Sent:** Tuesday, May 07, 2013 4:27 PM  
**To:** (b)(6)  
**Subject:** Follow-up to CRCL Complaint Number 11-03-ICE-0046  
**Attachments:** FINAL Hold letter (b)(6).pdf

Dear (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



Homeland  
Security

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.





Homeland  
Security

May 7, 2013.

(b)(6)

Nashville, Tennessee 37217.

(b)(6)

Re: Complaint No. 11-03-ICE-0046, (b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint that the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on December 14, 2010, regarding the treatment of your client, (b)(6). The complaint alleges that agents of U.S. Immigration and Customs Enforcement (ICE) violated the complainant's Fourth Amendment and other civil rights when making arrests during a raid on the Clairmont (b)(6) in Nashville, Tennessee, on October 20, 2010.

In a letter sent to you on January 19, 2011, CRCL informed you that our office would review the allegations raised in the complaint and determine the appropriate course of action to take in investigating it. Since the receipt of this complaint, however, we have learned that on October 19, 2011, your firm and others filed a lawsuit on behalf of your clients in the United States District Court for the Middle District of Tennessee, regarding the same incident referenced in the complaint. The lawsuit is against a number of defendants including at least twelve ICE agents. We apologize for the delay in contacting you but we have been monitoring the progress of the litigation. Since the Court has been addressing the same allegations that were made in the complaint, CRCL has decided to continue to monitor this litigation and wait for it to conclude before finalizing our investigation of the complaint. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0116 11-03-ICE-0046

(b)(6)

| Data Object  | Date             | Event  | Field                | New Value                                                                                                                                                              | Tracking Id | User   | Reason      |
|--------------|------------------|--------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-01-18 18:24 | Update | Days to Process      | 35                                                                                                                                                                     | 6869        | (b)(6) | User Change |
| DhsComplaint | 2011-01-18 18:24 | Update | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of (b)(6)<br>Statement Contesting Intent to | 6869        |        | User Change |
| DhsComplaint | 2011-01-18 18:24 | Update | Executive Summary    |                                                                                                                                                                        | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:56 | Update | Executive Summary    | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br>Statement Contesting Intent to                     | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:56 | Update | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br>Statement Contesting Intent to                     | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:40 | Create | Component Referenced | ICE                                                                                                                                                                    | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:40 | Create | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br>Statement Contesting Intent to                     | 6869        |        | User Change |

|                    |                  |        |                        |                                                                                                                                              |        |             |
|--------------------|------------------|--------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|
|                    |                  |        |                        | (b)(6)                                                                                                                                       |        | (b)(6)      |
|                    |                  |        |                        | Statement Contesting Intent to                                                                                                               |        |             |
| DhsComplaint       | 2011-01-04 16:40 | Create | Executive Summary      | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of (b)(6)         | 6869   | User Change |
|                    |                  |        |                        | Statement Contesting Intent to                                                                                                               |        |             |
| DhsComplaint       | 2011-01-04 16:40 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty.                                                                                                          | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Days to Process        | 21                                                                                                                                           | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Date to CRCL           | 12/14/2010                                                                                                                                   | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Date to DHS            | 12/07/2010                                                                                                                                   | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Date on Correspondence | 12/02/2010                                                                                                                                   | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Sender Type            | NGO/Organization                                                                                                                             | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Method of Receipt      | Standard Mail                                                                                                                                | 6869   | User Change |
| DhsComplaint       | 2011-01-04 16:40 | Create | Entry Date             | 01/04/2011                                                                                                                                   | 6869   | User Change |
| DhsComplaintAction | 2011-03-02 17:40 | Create | Action                 | Short Form                                                                                                                                   | 103846 | User Change |
| DhsComplaintAction | 2011-03-02 17:40 | Create | Action Date            | 03/02/2011                                                                                                                                   | 103846 | User Change |
| DhsComplaintAction | 2014-01-13 10:46 | Update | Action                 | Closed - Short Form/No Further Action                                                                                                        | 110265 | User Change |
| DhsComplaintAction | 2014-01-13 10:46 | Update | Comments               | Moved to closed - short form no further action. Re (b)(6) instructions.                                                                      | 110265 | User Change |
| DhsComplaintAction | 2013-05-07       | Create | Reporting              | On December 14, 2010, CRCL received a complaint alleging that ICE agents violated civil rights and civil liberties when making arrests at an | 110265 | User        |

|                    |                  |        |                    |                                                                                                                                                                                                                                                        |        |        |             |
|--------------------|------------------|--------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
|                    | 17:15            |        | Summary            | (b)(6)<br>The complainant filed a lawsuit in the U.S. District Court regarding the same incident referen                                                                                                                                               |        | (b)(6) | Change      |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Internal Summary   | On December 14, 2010, CRCL received a complaint alleging that ICE agents violated the 4th amendment when it made arrests during a raid on October 20, 2010 at the Clairmont (b)(6) in Nashville, TN.<br><br>Since the filing of the complaint, the com | 110265 |        | User Change |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Action Date        | 05/07/2013                                                                                                                                                                                                                                             | 110265 |        | User Change |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Document           | FINAL Hold letter (b)(6)<br>(b)(6) 11-03-ICE-0046.pdf                                                                                                                                                                                                  | 110265 |        | User Change |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Action             | Closed - Short Form Monitoring                                                                                                                                                                                                                         | 110265 |        | User Change |
| DhsComplaintAction | 2012-01-10 14:54 | Update | Comments           | 01-10-12 - Reassigned to (b)(6)<br><br>Short Form - preliminary investigation on what ICE has done.                                                                                                                                                    | 103643 |        | User Change |
| DhsComplaintAction | 2012-01-10 14:54 | Update | Primary Assignment | (b)(6)                                                                                                                                                                                                                                                 | 103643 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action Date        | 01/20/2011                                                                                                                                                                                                                                             | 103235 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action             | Awaiting Recommendation                                                                                                                                                                                                                                | 103235 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action Date        | 01/20/2011                                                                                                                                                                                                                                             | 103234 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Document           | 11-03-ICE-0046 (OIG Response 1.20.2011).pdf                                                                                                                                                                                                            | 103234 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action             | IG Declines/Back from IG                                                                                                                                                                                                                               | 103234 |        | User Change |
| DhsComplaintAction | 2011-02-16 16:35 | Create | Action             | Back from Officer                                                                                                                                                                                                                                      | 103643 |        | User Change |
| DhsComplaintAction | 2011-02-16 16:35 | Create | Primary Assignment | (b)(6)                                                                                                                                                                                                                                                 | 103643 |        | User Change |
|                    | 2011-            |        |                    |                                                                                                                                                                                                                                                        |        |        |             |

|                      |                  |        |                  |                                                                                                                                                              |        |        |             |
|----------------------|------------------|--------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 02-16-16:35      | Create | Action Date      | 02/16/2011                                                                                                                                                   | 103643 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-02-16 16:35 | Create | Comments         | Short Form - preliminary investigation on what ICE has done.                                                                                                 | 103643 |        | User Change |
| DhsComplaintAction   | 2011-02-03 14:55 | Create | Comments         | retain, (b)(6)                                                                                                                                               | 103379 |        | User Change |
| DhsComplaintAction   | 2011-02-03 14:55 | Create | Action Date      | 02/03/2011                                                                                                                                                   | 103379 |        | User Change |
| DhsComplaintAction   | 2011-02-03 14:55 | Create | Action           | Recommendation Review                                                                                                                                        | 103379 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:48 | Create | Action Date      | 01/06/2011                                                                                                                                                   | 103211 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:48 | Create | Comments         | On January 6, 2010, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5),(b)(6) | 103211 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:48 | Create | Action           | Notes                                                                                                                                                        | 103211 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:36 | Create | Action Date      | 01/18/2011                                                                                                                                                   | 103210 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:36 | Create | Action           | Sent to IG                                                                                                                                                   | 103210 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:35 | Create | Action Date      | 01/18/2011                                                                                                                                                   | 103209 |        | User Change |
| DhsComplaintAction   | 2011-01-18 18:35 | Create | Action           | Open a Complaint                                                                                                                                             | 103209 |        | User Change |
| DhsComplaintDocument | 2011-01-04 16:57 | Create | Foreign Language | No                                                                                                                                                           | 81896  |        | User Change |
| DhsComplaintDocument | 2011-01-04 16:57 | Create | Document Type    | Incoming Letter                                                                                                                                              | 81896  |        | User Change |
| DhsComplaintDocument | 2011-01-04 16:57 | Create | Document 1.      | 12 14 2010 (b)(6) pdf                                                                                                                                        | 81896  |        | User Change |
| DhsComplaintDocument | 2011-01-04 16:57 | Create | Dateentered      | 01/04/2011                                                                                                                                                   | 81896  |        | User Change |
| DhsComplaintDocument | 2011-01-31 14:49 | Update | Document 3       | 1 19 2011 (b)(6) 11-03-ICE-0046).pdf                                                                                                                         | 82039  |        | User Change |
| DhsComplaintDocument | 2011-01-19       | Create | Foreign          | No                                                                                                                                                           | 82039  |        | User        |

|                             |                  |        |                        |                                       |       |        |             |
|-----------------------------|------------------|--------|------------------------|---------------------------------------|-------|--------|-------------|
|                             | 10:03            |        | Language               |                                       |       | (b)(6) | Change      |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Dateentered            | 01/19/2011                            | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document Type          | Acknowledgement Letter                | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document 1             | 12.14.2010 11-03-ICE-0046 (email).pdf | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document 2             | 12.14.2010 11-03-ICE-0046.pdf         | 82039 |        | User Change |
| DhsComplaintIssue           | 2011-08-12 14:09 | Update | (b)(5)                 | (b)(5)                                | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-08-12 14:09 | Update | Situation              | DHS law enforcement activity          | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | Incident Location Type | Residence                             | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | Incident Location      | Clairmont (b)(6)                      | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | State                  | Tennessee - TN                        | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | City                   | Nashville                             | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Primary Issue          | Yes                                   | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Redirect to Subject    | No                                    | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | (b)(5)                 | (b)(5)                                | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Ongoing                | No                                    | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Incident Date          | 10/20/2010                            | 12576 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | First Name             | (b)(6)                                | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Prefix                 | Mr.                                   | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Contact Type           | On Behalf Of                          | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Alien Registration     | (b)(6)                                | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04       | Create | Last Name              |                                       | 19599 |        | User        |



|                             |                  |        |                    |                                   |       |        |             |
|-----------------------------|------------------|--------|--------------------|-----------------------------------|-------|--------|-------------|
|                             | 17:01            |        |                    |                                   |       | (b)(6) | Change      |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | First Name         | (b)(6)                            | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Zip Code           | 37217                             | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Prefix             | Atty.                             | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Other Organization | Immigration Law Offices of (b)(6) | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Contact Type       | Sender                            | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Email              | (b)(6)                            | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Phone              | 615 (b)(6)                        | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | City               | Nashville                         | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Address Line 1     | (b)(6)                            | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Last Name          | (b)(6)                            | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Organization       | Other                             | 19598 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | State              | Tennessee - TN                    | 19598 |        | User Change |



**Dent, Martina**

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**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, March 01, 2011 8:32 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint # 11-05-USCIS-0091

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken....

**From:** (b)(6)@dhs.gov]  
**Sent:** Friday, February 25, 2011 3:45 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint # 11-05-USCIS-0091.

(b)(6)

Summary of a new complaint for your review:

On February 11, 2011, CRCL received correspondence from (b)(6), Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to gain access to his property located at (b)(6) Chicago Illinois, on January 3, 2011 and on January 13, 2011.

(b)(6) alleges that the two USICE officers, one male one female, then returned to his residence on January 29, 2011 at about 9am. (b)(6) alleges that they banged on his door and windows. Both officers identified themselves as ICE representatives but refused to give their names. (b)(6) alleges that he asked the officers if they had a judicial warrant to enter the premises to which they did not answer but instead forced (b)(6) into his room and ordered him to sit down and answer their questions. (b)(6) also alleges that the officers threatened him and deprived him of the right to remain silent until in the presence of his attorney. He claims that the agents accused him of harboring an alien.

Thank you.

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

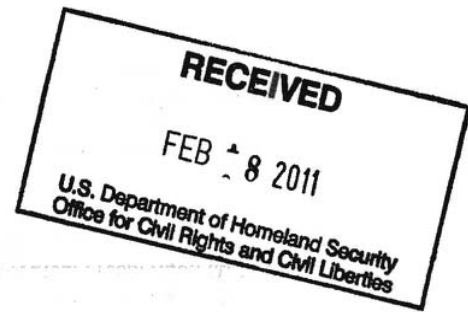
(202) 357-(b)(6) (phone)

(b)(6) [@dhs.gov](mailto:(b)(6)@dhs.gov)

(b)(6)

Chicago IL 60649

January 29th 2011  
**Officer for Civil Rights and Civil Liberties**  
**U.S. Department of Homeland Security**  
**245 Murray Lane, SW**  
**Building 410**  
**Mail Stop #0800**  
**Washington, DC 20528**  
Dear Officer:



Please accept this letter as a complaint against un-identified Officers "John Doe" and "Kate Doe" of USICE-Chicago, who came to my private residence on the morning of January 29<sup>th</sup> 2011, at 9:15 a.m. My home address is (b)(6) Chicago IL, 60612.

I am a citizen of the United States and Married to an alien. I have been diagnosed of HIV and have been living in this secluded address for safety reason.

So, it was an interesting coincidence that two ICE officers have on the following dates try to gain access into my property unlawfully.

On 01/03/11 two un-identified individuals from INS attempted to force them self into my building but was not able, consequently on the 13<sup>th</sup> of Jan.2011 while I was out to hospital, they came again but met my absence, again on 1/19/11 two un-identified ICE or INS agents approached me while I was getting into a medical Van to take me to hospital for surgery, two un-identified, a male and a female approached me and identified themselves as agents of INS, and I told them That I was going to hospital for a surgery, they saw that I was seriously ill but tried to hold me back for more questioning, at that time I responded to them I have a medical appointment for surgery and I have to go, they keep on following me until I got into the medical van, then they left.

Finally on 01/29/11 at about 9am this morning two un-identified men rang my doorbell, having bypassed the street security gate and buzzer that most people understand to be an indication that the multi-unit apartment building is not open to the general public. At about 9: a.m., as I was still sleeping, my apartment doorbell rang.

Almost naked, I opened the door after they officers have banged heavily on both my door and windows and was greeted by two un-identified agents,

(b)(6),(b)(7)(C)

Both officers identified themselves as ICE officer. Both of them refused to identify their names, the male officer stated that they are looking for me (b)(6). I inquired whether the officers possessed a judicial warrant to enter the premises. The officers did not respond. I then stated to the officers that I declined to answer any questions, and I stated to them that they needed to leave. But the officers forced me into my Room and ordered me to sit down and answer their questions promptly other wise they will arrest me and take me to jail, the male officer puts his hands on his Gun, while the female agent showed me her badge.

While sitting down, the un-identified agents humiliated me and forced me under duress to swear an oath and forced me to answer yes to all their questions, which I couldn't remember what some of their questions and answer I gave them was. As my HIV sickness progressed, I have many seizures which have affected most of my brain cells that I can't recall or remember certain things.

After they have threatened and deprived me of the right to remain silence until the presence of my attorney, they decided to leave me and worked out of my unit.

While still inside my room, I was almost naked when the came in, during their aggressive interrogations, the male officer threatened me with prosecution for alien harboring. And for fraud and requested that I answer yes to all their questions against my wife If I don't want to be prosecuted. I responded that my wife is my soul mate and loved me so much even with my contagious illness. That we are still married and will remain married unless death does us apart

While Inside with these two un-identified agents as they claimed to be, with his gun on me. I again inquired whether the officers had a judicial warrant to enter my premises, as the male officer had stated he would forcibly enter my residence even if I did not open the door. They did not respond if they have a warrant or not. I stated to the officers that they were not entitled to forcibly enter my home without a judicial warrant.

I next instructed the officers to leave my apartment building, unless they had other business at the